IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 9TH OCTOBER 2006 / 17TH ASWINA 1928

Bail Appl..No. 5908 of 2006()

CRIME NO.180/2006 OF PONKUNNAM POLICE STATION

PETITIONER/ACCUSED:

MOHANAN, AGED 39 YEARS,
PALACKAL HOUSE, CHIRAKADAVU,KANJIRAPPALLY,
KOTTAYAM DIST.

BY ADV. SRI.TITUS MANI
SRI.S.SURAJ (PALATHANATHU)

RESPONDENTS: COMPLAINANT & STATE:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE,
PONKUNNAM POLICE STATION, KOTTAYAM DISTRICT.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 5908 of 2006

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Dated this the 9th day of October, 2006

O R D E R

The petitioner is before this Court for a pre-arrest order, as he apprehends arrest in Crime No.180/2006 of Ponkunnam Police Station, for the offence punishable under Section 308 of the Indian Penal Code.

2. The prosecution alleges that the petitioner had inflicted lacerated injury 7.5 x 5 cm on the right forearm of the de facto complainant. The injury has been caused by a knife.

3. Relying on the pattern of injury suffered by the de facto complainant, the counsel, Mr.Suraj Sukumaran, submits that the alleged weapon cannot cause a lacerated injury and, therefore, the submission of the prosecution, itself is unacceptable and the defence suggestion that the injuries must have occurred during the scuffle between the parties gains strength.

4. The prosecution submits that the petitioner is

accused in different cases and also is included in the rowdy list of the station. Therefore, the granting of a pre-arrest order is opposed and, the arrest of the petitioner, is sought by the learned Public Prosecutor.

5. Considering the above fact situation, and taking into account the vehement arguments advanced by the learned counsel for the petitioner, Mr.Suraj Sukumaran, I direct the petitioner to surrender before the Investigating Officer, who is investigating Crime No.180/2006 of Ponkunnam Police Station, on 16/10/2006, between 9.30 a.m and 10 a.m.

6. The Investigating Officer shall interrogate the petitioner and, thereafter, produce him before the court below, according to the law. The learned Magistrate shall hear both the counsel appearing for the petitioner and the Assistant Public Prosecutor and pass orders, on the same date of the production of the petitioner, on merit.

(J.M.JAMES)
Judge

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